



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: January 7, 2020

Common Council Meeting Date: January 8, 2020

Item: Special Use Permit #13-19 for a restaurant with alcohol sales and consumption

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Caleb Hayes, Park Place Holdings, LLC (owner) / Fay Oliver, The Jerk Joint Restaurant (applicant)

Address/Parcel #: 1619 West College Avenue – Suite D (Tax Id #31-3-0049-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a restaurant with alcohol sales and consumption.

BACKGROUND

The applicant has been operating a restaurant without alcohol sales since August 2019.

Rezoning #11-03 to rezone the subject property from PD/C-2 Planned Development/General Commercial District to C-2 General Commercial District was approved by the Common Council on September 17, 2003.

The subject property was zoned to PD/C-2 Planned Development/General Commercial District with the adoption of the Zoning Ordinance and Map on May 22, 1994. There was no Implementation Plan Document filed with the City or recorded in the Outagamie County Register of Deeds' Office.

In 1970, the building on the subject property was constructed as a multi-tenant building.

STAFF ANALYSIS

Project Summary: The Jerk Joint Restaurant has operated within the subject building (Suite D) since August 2019. The applicant proposes to serve alcohol within their existing tenant space which totals approximately 1,000 square feet.

Existing Site Conditions: The existing multi-tenant building totals approximately 11,084 square feet. The required off-street parking spaces is 45 stalls. The proposed development shows 52 parking spaces.

Access is provided by curb cuts on West College Avenue, South Douglas Street and South Victoria Street.

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Outdoor Alcohol Consumption Area: No outdoor alcohol sales and consumption is requested as part of this application for a Special Use Permit.

Operational Information: A plan of operation is attached to the staff report.

Zoning Ordinance Requirements: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and consumption requires a Special Use Permit in the C-2 District. In order to permit alcohol sales and consumption in conjunction with a restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally industrial, commercial and residential in nature.

North: C-2 General Commercial District. The adjacent land use to the north is currently a retail business.

South: P Parking District, R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the south are currently single-family residential uses and surface parking lots.

East: R-1B Single-Family District. The adjacent land uses to the east are currently residential uses.

West: M-2 General Industrial District. The adjacent land uses to the west are currently professional office and manufacturing uses.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Finding of Fact: Prior to the granting of any Special Use Permit, the City Plan Commission may recommend and the Common Council may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 23-66 (e) (1-6). This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative.

Technical Review Group (TRG) Report: This item was discussed at the December 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #13-19 for a restaurant with alcohol sales and consumption at 1619 West College Avenue, Suite D (Tax Id #31-3-0049-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
3. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

RESOLUTION
CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #13-19

WHEREAS, Fay Oliver, owner of The Jerk Joint restaurant has applied for a Special Use Permit for a restaurant with alcohol sales located at 1619 West College Avenue – Suite D, and also identified as Parcel Number 31-3-0049-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on January 7, 2020, on Special Use Permit #13-19 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, and forwarded Special Use Permit #13-19 to the City of Appleton Common Council with a favorable or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on _____, 2020 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #13-19 for a restaurant with alcohol sales and service located at 1619 West College Avenue – Suite D, also identified as Parcel Number 31-3-0049-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #13-19

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
3. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.

4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

Adopted this _____ day of _____, 2020.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

**ONSITE ALCOHOL CONSUMPTION
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business information:

Name of Business: Jerk Joint

Years in Operation: 4 months

(Check applicable proposed business activity(s) proposed for the building or tenant space)

Restaurant Bar/Night Club Wine Bar Microbrewery Other _____

Provide detailed explanation of the type of business occupying the building or tenant space:

The establishment is a Caribbean restaurant.

Any planned remodeling of the building or tenant space proposed (please describe):

Already occupying tenant space.

Proposed Hours of Operation for Indoor Space:

Day	From	To
Week Days: Monday thru Thursday	11:30 a.m.	8:00 p.m.
Friday	11:30 a.m.	8:00 p.m.
Saturday	11:30 a.m.	8:00 p.m.
Sunday	Closed	Closed

Building capacity and area:

Anticipated maximum number of persons occupying the building or tenant space: 20 persons.

Gross floor area of the existing building or tenant space the business will occupy: 1,000 sq.ft.

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all equipment/amplified music.

N/A

B. How will the noise be controlled to comply with the Municipal Code Regulations?

N/A

Outdoor Space uses:

(Check applicable proposed area)

None Patio Sidewalk Café Deck Other _____.

Is there any alcohol service incorporated within the outdoor space? Yes ___ No ___

Are there plans for outdoor music/entertainment? Yes ___ No ___

If yes, describe how will the noise be controlled: _____

Is there any food service incorporated in the outdoor patio? Yes ___ No ___

Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Proposed Hours of Operation for the Outdoor Space:

Day	From	To
Week Day	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

Number of Employees:

Number of Proposed Employees: 3.

Number of employees scheduled to work on the largest shift: 3

Off-street parking: 52 spaces exist on-site.

A PROPOSED TENANT REMODEL FOR,
1619 W. COLLEGE AVE.
 APPLETON,
 WISCONSIN

GENERAL NOTES

THESE DRAWINGS COVER STRUCTURAL AND GENERAL CONSTRUCTION WORK ONLY. ALL WORK SHALL COMPLY TO STATE AND LOCAL CODES WHICH MAY VARY FROM THE BUSINESS SIZE AND SHALL BE SHOWN IN A SUPPLEMENTARY DRAWING FOR THE BUSINESS SIZE AND SHALL BE SHOWN IN A SUPPLEMENTARY DRAWING.
 THE CONTRACTOR SHALL MAINTAIN EXISTING WITH ALL EXISTING WORK AND SHALL VERIFY THE LOCATION AND DIMENSIONS OF CHANGES, REVISIONS, SERVICE TRAYS, DEPRESSIONS AND OTHER PRODUCT REVISIONS SHOWN ON THE STRUCTURAL DRAWINGS SHALL NOT BE REVERSED WITHOUT WRITTEN APPROVAL FROM THE ARCHITECT.
 THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND CONDITIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES. THE TYPICAL DETAILS SHOWN ON THE DRAWINGS SHALL BE UNLESS SPECIFICALLY NOTED OTHERWISE.
 THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SAFETY DURING CONSTRUCTION.

PROJECT INFORMATION

CONSTRUCTION CLASSIFICATION
 TYPE III-B

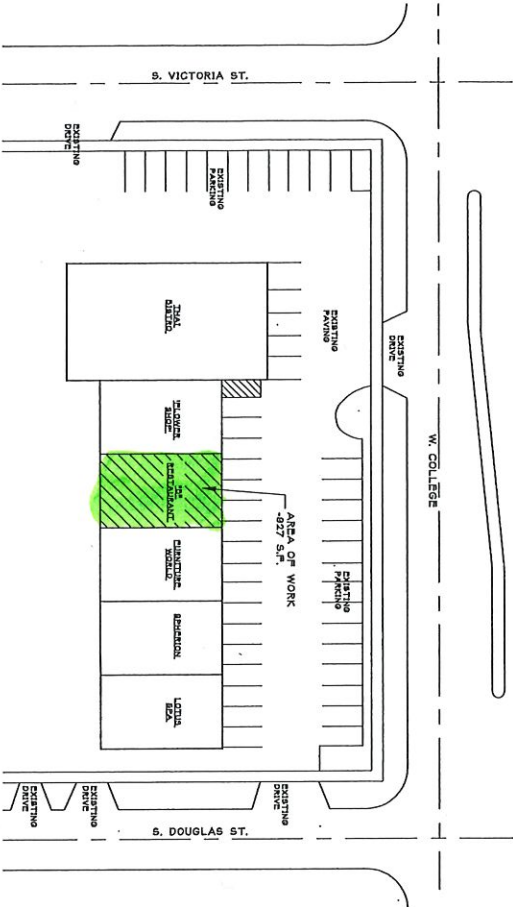
OCCUPANCY

OCCUPANCY IS NOT TO BE CHANGED
 PREVIOUS OCCUPANCY IS "A" BUSINESS < 15 PEOPLE
 NEW OCCUPANCY TO BE "B" BUSINESS (4-2 < 50 PEOPLE)

SHEET INDEX

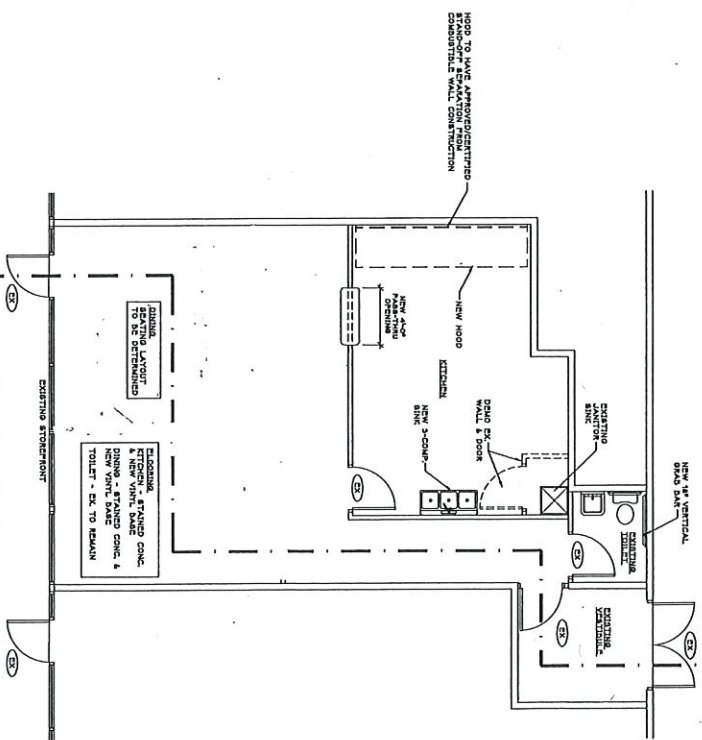
SHEET SHEET TITLE

T10 GENERAL CONSTRUCTION WORK
 T11 SHEET INDEX NOTES
 T12 SITE PLAN AND EXTERIOR PLAN
 A10 ADA DETAILS



SCHEMATIC SITE PLAN
 SCALE: 1/8" = 1'-0"
 NORTH

SITE PLAN IS EXISTING - NO CHANGES TO EXISTING SITE PLAN IS PROVIDED FOR REFERENCE ONLY.



FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 NORTH

A PROPOSED TENANT REMODEL FOR, 1619 W. COLLEGE AVE. APPLETON, WISCONSIN		 TACS Architectural & Contracting 327 RANDOLPH DRIVE APPLETON, WI 54912 TEL: 920-574-2657 FAX: 920-574-2660	
DATE: March 5, 2009 ARCH: L. VENT D. BY: L. KOPPEL JOB: 1003 REV:	<table border="1"> <tr> <td style="width: 20px; height: 20px;">T</td> <td style="width: 20px; height: 20px;">1.0</td> </tr> </table>		T
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THE JERK JOINT SUITE D

1619 WEST COLLEGE AVENUE,

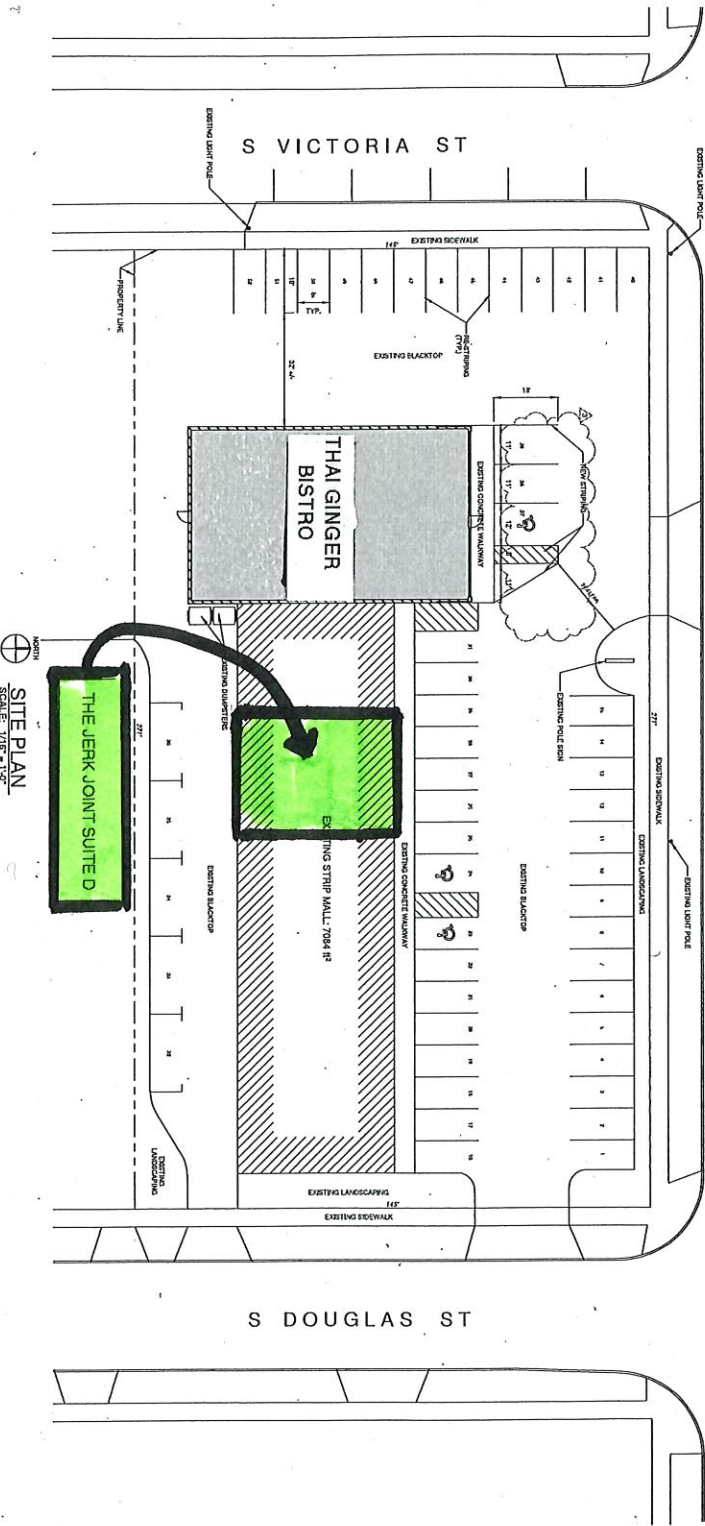
PROJECT AND CODE INFORMATION

- 2015 INTERNATIONAL BUILDING CODE WITH WISCONSIN
 - 2015 INTERNATIONAL EXISTING BUILDING CODE WITH WISCONSIN
 - 2015 INTERNATIONAL ENERGY CONSERVATION CODE WITH WISCONSIN
 - 2015 INTERNATIONAL FIRE SEPARATION AND RESISTANCE BUILDINGS AND FACILITIES
 - 2015 INTERNATIONAL ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES
- SITE CODE: COMMERCIAL CENTER
 PROJECT CODE: COMMERCIAL CENTER
 PROJECT TYPE: RESTAURANT/ASSOCIATED FOOD & BEVERAGE/RESTAURANT/ALCOHOLIC BEVERAGE
 USE PROVISION: NON-RESIDENTIAL
 NUMBER OF FLOOR LEVELS: 1
 BUILDING AREA: 7,094 S.F.
 EXISTING BUILDING AREA: 4,000 S.F.
 TOTAL BUILDING AREA: 11,094 S.F.
 ALTERNATE LEVEL:

ALL ITEMS SHOWN ARE TO BE MAINTAINED UNLESS INDICATED OTHERWISE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

Total Existing Building Area: 4,000 sq ft + 7,094 sq ft = 11,094 sq ft
 Proposed Addition: 7,094 sq ft + 4,000 sq ft = 11,094 sq ft
 Total Building Area: 11,094 sq ft

W COLLEGE AVE



NORTH
 SITE PLAN
 SCALE: 1/8" = 1'-0"

SHEET INDEX

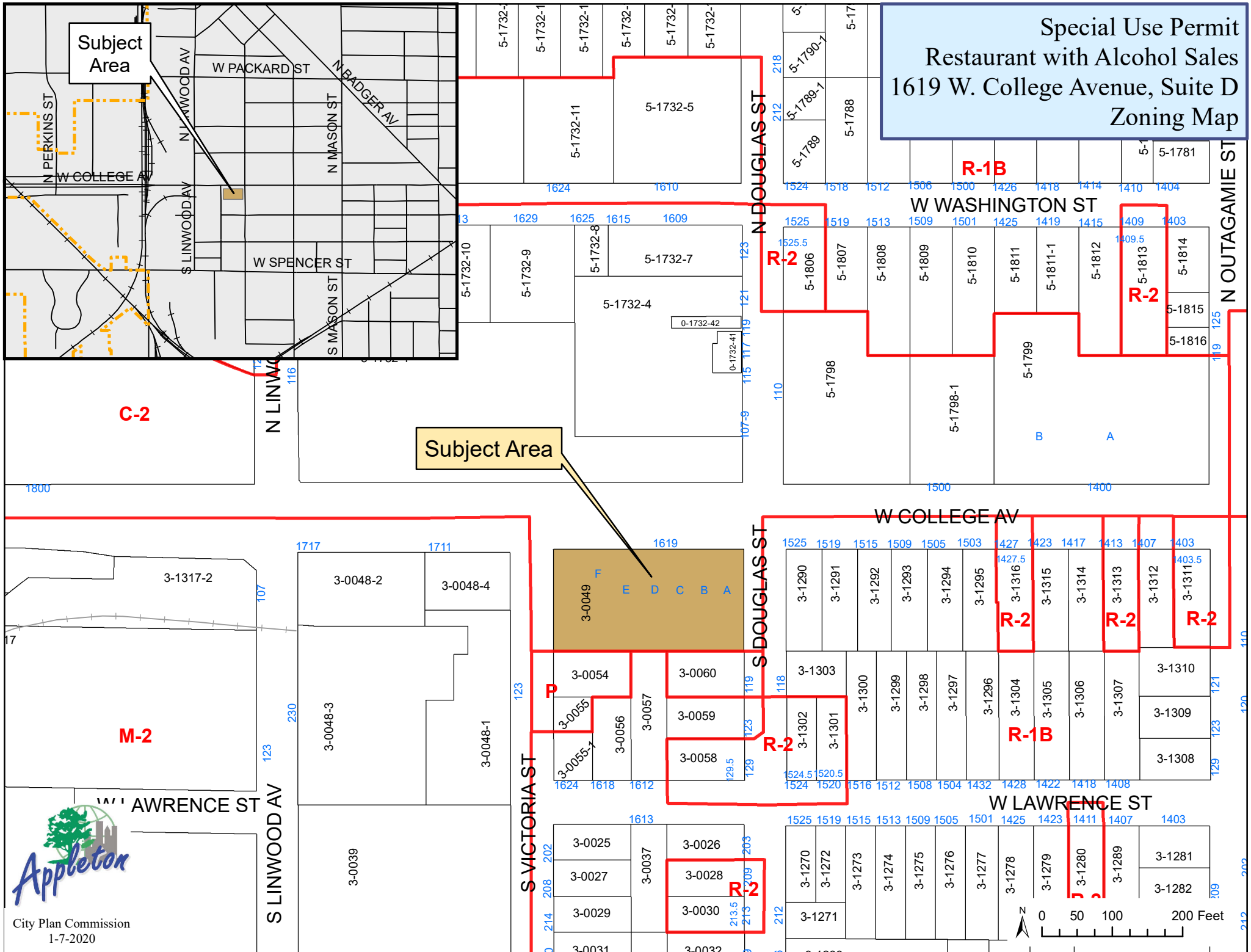
- A1 SHEET INDEX
- A2 PROJECT AND CODE INFORMATION
- A3 PROPOSED ADDITION/EXISTING BUILDING FUTURE SCHEDULE ROOM FINISH SCHEDULE
- A4 WALL TYPES
- A5 DOOR HEADERS AND CONCRETE PAD DETAIL
- A6 TYPICAL PLUMBING FUTURE AND DEMOLITION PLAN
- A7 EGRESS PLAN

Special Use Permit
Restaurant with Alcohol Sales
1619 W. College Avenue, Suite D
Aerial Map

Subject Area



Special Use Permit
 Restaurant with Alcohol Sales
 1619 W. College Avenue, Suite D
 Zoning Map



Subject Area

Subject Area

